

Ordinances & Administration Committee

Monday, April 14, 2014 – 6:00 p.m.

Rose Baker Senior Center**-Minutes-****Present: Chair, Councilor Whynott; Councilor Jackie Hardy; Councilor Steven LeBlanc (Alternate)****Absent: Councilor Theken****Also Present: Councilor McGeary; Councilor Verga; Linda T. Lowe; Police Chief Leonard Campanello; Suzanne Egan; Dr. Richard Sagall; Noreen Burke; Max Schenk; David Sargent****The meeting was called to order at 6:00 p.m. There was a quorum of the City Council.****1. Continued Business:**

- A) CC2013-040 (Verga) Request to review GCO Chapter 4 “Animals,” Art. II “Dogs,” Sections 4-15 to 4-22:
Review of Ad Hoc Committee Recommendations (Cont’d from 03/17/14)

Councilor Whynott, O&A Committee Chair, said that the meeting’s purpose was to hear from city staff on the matter of dogs off-leash on city beaches, and related issues for Committee discussion. He said he did not anticipate any vote being taken at the meeting regarding an ordinance amendment. **Councilors Hardy** and **LeBlanc** added their agreement to Councilor Whynott’s assessment.

Suzanne Egan, General Counsel, said she contacted Mass. Interlocal Insurance Association (MIIA), the city’s liability insurer, recently regarding whether or not MIIA had any advisories available to the city regarding enactment of an ordinance for dogs to be off leash at certain times on beaches. She said that a Senior Loss Control Representative of the MIIA advised the city against enacting an ordinance that would allow dogs on the beach at certain times because the issue becomes enforcement. MIIA was concerned that if the enforcement is not across the board, then the city could open itself up to liability, she noted. MIIA’ only recommends that dogs are allowed off leash in dog parks. **Councilor Hardy** asked that a copy of the advisory email from MIIA to General Counsel be forwarded to the Committee.

Ms. Egan also pointed out a second issue the city needed to take into consideration is that beaches are environmentally sensitive areas. She said there are endangered species located on the beaches, and because of that enacting an ordinance allowing dogs to roam freely on the beaches should go before the Conservation Commission so that a management plan can be reviewed. She reiterated that the most critical part is the city’s insurance company and the liability issue. She said that since they are recommending against dogs off leash on beaches, she would also recommend against it. On an inquiry by **Councilor Whynott**, **Ms. Egan** said that she asked the Conservation Commission to weight in on the matter, and Stacey Carpenter, the Assistant Conservation Agent, provided her with an email setting out the issues they would see with dogs on beaches which she said she would forward to the Committee. **Councilor Whynott** added that based on what he finds in that particular communication he may want a member of the Conservation Commission to come before the Committee to be available to answer questions. He noted that May 1 is the deadline for banning dogs from the city’s beaches for the summer season which was fast approaching and pointed out there was no need to rush into anything, but rather to take time and ensure the ordinance, if amended, is done correctly.

Councilor Hardy said that there is a public hearing on April 22 at 7 p.m. in Kyrouz Auditorium as part of that City Council meeting. She suggested that due to incomplete information at this time that the Committee might wish to consider sending the matter to the Council with no recommendation.

Max Schenk, Manager of Environmental Health Services with the Public Health Department said that the Board of Health has deliberated on this issue. He said from the Health Department’s perspective it is not so much an on-leash or off-leash dog ordinance. The concern is that if a decision to allow pets to go off leash, it is whether there is enough enforcement, education and outreach to make dog owners more responsible, he added. He said it is not the dogs, but the owners not cleaning up after them, which he pointed out is not just a beach problem but a community-wide problem. He observed that the Friends of the Gloucester Dog Park have made great inroads as to educating the public. He said whatever is decided, there needs to be enough education, outreach and enforcement to make it work.

Noreen Burke, Public Health Director for the city, said the Public Health Department responded to two requests, one a citizen request regarding concern about dog fecal matter on city beaches at a City Council several months ago (on file), and more recently to the O&A Committee. She said dog fecal matter contains bacteria and

pathogenic organisms which is not good. She said they talked about education being very important. She noted there are many examples of best practices pointing out several communities with good dog waste disposal stations. She said the Public Health Department believes it will take enforcement and education as with any public health issue. She added that it is about changing the culture to make people be more responsible for managing their dogs. The Public Health Department relies on what science tells them about dog fecal matter, she said, and noted that in the information forwarded to the Committee there were detailed scientific references in the second memo addressing the needs of the O&A Committee (on file).

Councilor Whynott asked about concerns regarding dog urine. **Mr. Schenk** said that on the surface it is not great but is dependent on how long it has been exposed to UV sunlight it can break down over time. Urine comes out of the body essentially pure, but it is not a good thing either, he said. **Dr. Richard Sagall**, Board of Health Chair, explained that based on his knowledge of human urine as a physician, unless a person is sick urine is sterile with no bacteria in it, and he said he assumed that unless a dog is sick with a urinary tract infection it would likely be the same.

David Sargent, Shellfish Warden, said he agreed with Ms. Egan's and the Public Health Department assessments. He added that after consulting area shellfish biologists, talking to other states and looking at literature, as well as his experience in Gloucester, that if there is increased dog activity [on city beaches] without increased enforcement there will be more shellfish bed closures. He said this will impact people who want to purchase shellfish permits as well as families who want to go shellfishing. The areas proposed for off-leash dogs are set aside exclusively for recreation shellfishing and would impact those particular areas. He pointed out that it takes a few years to open a shellfish flat if there has been a high coliform count which is a serious issue that can't be reversed overnight. **Councilor Whynott** asked if dog waste would be harmful to the shellfish flats or more harmful to people digging the clams. **Mr. Sargent** said it would be harmful if there is increased dog activity without increased dedicated enforcement.

Police Chief Leonard Campanello said that the Police Department's can only give a recommendation on enforcement. A representative of the department has attended almost all the Ad Hoc Dog Ordinance Review Committee meetings, and have made some input into enforcement relative to the hours proposed for off-leash dogs at two city beaches. The new information he said he received from the city's insurance company ties very strict and across-the-board enforcement to any dog off-leash proposal. He observed that changes things from an enforcement perspective. He reminded the Committee there is only one Animal Control Officer covering the entire city that does not do proactive patrolling, he said adding that the officer responds to complaints his entire serviceable time while on duty. **Chief Campanello** said he couldn't guarantee a strict across-the-board enforcement of any off-leash proposal based on what he has heard from the city's insurer. He observed that the Animal Control office needs to be revamped, and said he may need to add personnel based on what the insurance company is saying.

Councilor Hardy observed that there are people who walk their dogs in the reservoir area within the watershed overlay protection district in the city where there are restrictions on activities generally, and asked if this is a safe practice according to the Public Health Department to have dogs on leash or off leash there. **Mr. Schenk** said the city's water service is pure and fine to drink. He explained that the water that goes through the city system is heavily treated before it gets to the pipes so any bacteria located within the watershed area is treated at the water stations and is released from there. He said dog owners need to be responsible by keep their dogs on a leash and pick up after them. **Councilor Whynott** said he was under the impression that dogs in the reservoir are banned. **Chief Campanello** said he did not believe dogs were allowed on watershed property. He reiterated that animal control enforcement is not by proactive patrolling but by complaint. From the Police Department's perspective, he said it doesn't make a difference as far as enforcement goes.

Councilor Whynott said he was concerned with the dog fecal matter in all areas of the city. People aren't even picking up after their pets in the dog park, he pointed out, which he said he knew from his own experience. He said there are enough people whose dogs are unsupervised and owners who don't care. If this prevailing attitude continued should the ordinance be amended, he said he would be the first Councilor to call for a rescinding of the amendment vote.

Councilor LeBlanc said the Ad Hoc Dog Ordinance Review Committee discussed the dog fecal matter in the city and made the recommendation to increase the fines. He pointed out that educational pamphlets would be made available to the public if an ordinance amendment were to pass. Education is a key factor, he said, and it is not just the beaches where there is an issue, but community wide. He noted there was a free petition to the City Council which was asked the Council to take a look at the City of Gloucester beach areas as possible dog off-leash areas during certain times. He volunteered, he pointed out, to head up the Ad Hoc Committee in order to guide it in a fair and evenhanded way. He said there was good debate and dialog. The recommendations that came out of the Ad Hoc Committee's deliberations that were forwarded to the O&A Committee were voted on but were not approved

unanimously. And he pointed out there are a lot of matters that come before the Council that aren't voted unanimously. He said he would not make a recommendation this evening to the Council on any ordinance amendment. He recommended to his colleagues there should be no recommendation to the Council, and that the O&A Committee take the time to see the ordinance amendment is done right.

Councilor Whynott said more information is coming forward germane to the subject, and reiterated there was no hurry to act and that the Committee needs to take time to study what is coming forward from city departments.

Council President McGeary thanked everyone for their hard work and time on both sides of the issue. He said the public hearing on possible dog ordinance amendments is scheduled for April 22, but the hearing may be opened and continued. **Councilor Whynott** added that Council will have an opportunity to see these minutes and the rest of the information already received on the subject to date. He also pointed out that at the April 22 public hearing the Council doesn't have to take a vote on the matter.

MOTION: On a motion by Councilor Whynott, seconded by Councilor Hardy, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to make no recommendation to the City Council regarding the amendment of GCO Chapter 4 "Animals," Art. II "Dogs," Sections 4-15 to 4-22, and Section 1-15 Penalty for violation of certain specified sections of Code.

A motion was made, seconded and voted unanimously to adjourn the meeting at 6:30 p.m.

**Respectfully submitted,
Dana C. Jorgensson
Clerk of Committees**

DOCUMENTS/ITEMS SUBMITTED AT MEETING: None.